

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES CARNE,

Plaintiff,

V.

SCOTT A. FULTON, *et al.*,

Defendants.

Case No. C08-5726RBL

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

The Court, having reviewed the petition for habeas corpus, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
 - (2) Plaintiff's causes of action are DISMISSED without prejudice.
 - (3) The remainder of the filing fee owed by Plaintiff is waived.
 - (4) The Clerk is directed to send copies of this Order to petitioner and to Judge Arnold.

DATED this 27th day of March, 2009.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE